

Acknowledgement Receipt

The USPTO has received your submission at **13:05:06** Eastern Time on **24-JUL-2007**.

\$ **510** fee paid by e-Filer via *RAM* with Confirmation Number: 6761.

eFiled Application Information

EFS ID	2004299
Application Number	10519515
Confirmation Number	2543
Title	Compositions for improving mental performance
First Named Inventor	Kyl L. Smith
Customer Number or Correspondence Address	570
Filed By	John Michael Garvey/Kate Emerson
Attorney Docket Number	681132-2US
Filing Date	07-DEC-2004
Receipt Date	24-JUL-2007
Application Type	Utility under 35 USC 111(a)

Application Details

Submitted Files	Page Count	Document Description	File Size	Warnings
POA.pdf	2	Power of Attorney	165626 bytes	◆ PASS
RESTRICTIONRESPONSE.pdf	2	Response to Election / Restriction Filed	165965 bytes	◆ PASS
EOT.pdf	2	Extension of Time	128546 bytes	◆ PASS
fee-info.pdf	2	Fee Worksheet (PTO-06)	8144 bytes	◆ PASS

This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EQ/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the

International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

If you need help:

- *Call the Patent Electronic Business Center at (866) 217-9197 (toll free) or e-mail EBC@uspto.gov for specific questions about Patent e-Filing.*
- *Send general questions about USPTO programs to the USPTO Contact Center (UCC) .*
- *If you experience technical difficulties or problems with this application, please report them via e-mail to [Electronic Business Support](#) or call 1 800-786-9199.*

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Smith, Kyl L.
Title: COMPOSITIONS FOR
IMPROVING MENTAL
PERFORMANCE
Appl. No.: 10/519,515
Filing Date: 12-07-2004
Examiner: FLOOD, MICHELE C
Art Unit: 1655
Confirmation Number: 2543

RESPONSE TO RESTRICTION REQUIREMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This paper is filed in response to the Restriction Requirement set forth in the Office Action mailed April 10, 2007. Please note that prosecution of this case has been transferred to the Firm of Foley & Lardner LLP. A Revocation and New Power of Attorney is filed herewith, along with a Petition for Three Month Extension of Time and the appropriate fees.

Applicant hereby provisionally elects Group I, Claims 1-8, for examination. Regarding the requirement for election of a species, Applicant provisionally elects the species disclosed as claim 2. Applicant respectfully traverses the Restriction Requirement, on the grounds that the claims are co-extensive, and a search of all groups is not considered an unnecessary burden on the Office.

The Commissioner is hereby authorized to charge any additional fees believed due with this submission and to credit any overpayment, to Deposit Account No. 19-0741. If the enclosed papers are considered incomplete, the Mail Room is respectfully requested to contact the undersigned at telephone (617) 342-4000.

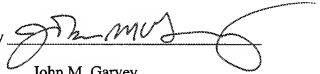
The Applicants submit that the present application is in condition for allowance and such action is respectfully requested. Should any questions or issues arise concerning this application, the Examiner is encouraged to contact the undersigned at the telephone number 617-342-4000.

Respectfully submitted,

Date July 24, 2007

FOLEY & LARDNER LLP
Customer Number: 48329
Telephone: (617) 342-4085
Facsimile: (617) 342-4001

By

A handwritten signature in dark ink, appearing to read "John M. Garvey", written over a horizontal line.

John M. Garvey
Attorney for Applicant
Registration No. 37,833

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Kyl L. Smith
Title: COMPOSITIONS FOR
 IMPROVING MENTAL
 PERFORMANCE
Appl. No.: 10/519,515
Filing Date: December 7, 2004
Examiner: Flood, Michele C.
Art Unit: 1655
Confirmation 2543
Number:

REVOCATION OF PRIOR POWERS OF ATTORNEY BY ASSIGNEE
APPOINTMENT OF NEW POWER OF ATTORNEY BY ASSIGNEE
CHANGE OF CORRESPONDENCE ADDRESS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

VITAL BASICS, INC. is the assignee of Application No. 10/519,515 filed December 7, 2004, and all continuing applications thereof, as evidenced by an Assignment recorded in the U.S. Patent and Trademark Office on July 14, 2005, at reel/frame 016262/0667.

VITAL BASICS, INC., through its duly-delegated representative, hereby revokes all prior Powers of Attorney submitted in this application, and hereby appoints the registered patent attorneys and patent agents associated with Customer Number:

48329

as its principal attorneys to have full power to prosecute this application and any continuations, divisions, reissues, and reexaminations thereof, to receive the patent, to transact all business in the United States Patent and Trademark Office connected therewith, and to have full power of substitution, association, and revocation, including the power to revoke the power of attorney of any associate attorney.

Please direct all future correspondence concerning this application to:

John M. Garvey
FOLEY & LARDNER LLP
Customer Number: 48329

Telephone: (617) 342-4085
Facsimile: (617) 342-4001

Executed this 26th day of JUNE, 2007.

VITAL BASICS, INC.

By:


(Signature)

J. MICHAEL WILSON
(Printed Name)

VICE PRESIDENT
(Title)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Smith, Kyl L.
Title: COMPOSITIONS FOR
IMPROVING MENTAL
PERFORMANCE
Appl. No.: 10/519,515
Filing Date: December 7, 2004
Examiner: Flood, Michele C.
Art Unit: 1655
Confirmation 2543
Number:

PETITION FOR EXTENSION OF TIME

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant hereby petitions the Commissioner under 37 C.F.R. §1.136(a) for a three-month extension of time for response in the above-identified application for the period required to make the attached response timely.

The extension fee for response within the third month is \$510.00. This fee is being paid by credit card via EFS-Web.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by the credit card payment instructions in EFS-Web being incorrect or absent, resulting in a rejected or incorrect credit card transaction, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

Respectfully submitted,

Date July 24, 2007

FOLEY & LARDNER LLP

Customer Number: 48329

Telephone: (617) 342-4085

Facsimile: (617) 342-4001

By 

John M. Garvey

Attorney for Applicant

Registration No. 37,833